

4
A NEW
SCHEME

For REDUCING the

Laws relating to the POOR

INTO ONE

ACT of PARLIAMENT,

And for the BETTER PROVIDING the

IMPOTENT POOR with NECESSARIES,

THE

INDUSTRIOUS with WORK,

AND FOR THE

CORRECTION of IDLE POOR.

THE SECOND EDITION.

To which are added

REASONS for making no other ALTERATIONS
in the POOR-LAW, than what appear abso-
lutely necessary.

L O N D O N :

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PREFACE.

 *It is universally acknowledged, that nothing will tend more to the Benefit of the Publick than a proper Provision for the Poor of this Kingdom, the Laws now in Force for that Purpose being, in many Instances, oppressive to the Poor themselves, and the Occasion of great Trouble, Vexation, and Expence to the Parishes who maintain them: And as various Schemes and Proposals have been made for a new Regulation of the Laws relating to the Poor, some whereof, it is imagined, if they should take place,*

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would

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would produce very pernicious Consequences,

The Author therefore of the following Sheets, which are drawn up in the Form of a Bill, with a serious Intent to serve the Publick, hath humbly offered his Thoughts upon this Subject, apprehending, that by a Law of the like Nature many of the Inconveniences at present complained of, will, in a great Measure, be remedied, if not entirely cured; at least, his Design must be confessed to be laudable: And it will be a sufficient Recompence for the Pains the Author hath taken in composing his Thoughts upon this Subject, if the following Specimen of a Law may furnish any Hints that may be useful for the accomplishing so great a Work as that of settling the Laws for the Maintenance of the Poor upon a good and lasting Foundation.

The two great Things to be desired from an Undertaking of this Nature, are, first, to maintain the Poor, or, at least, in a great Measure, from
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the Produce of their Labour. This great Event I cannot think is entirely to be despaired of, in Length of Time, from a proper Regulation of Work-houses, and a strict Scrutiny into the Behaviour of those who have the Management of them. The second great Benefit proposed is, to prevent the Expences of the Law relating to the Settlements of the Poor. This, as it at present stands, is an intolerable Grievance; but surely it may reasonably be expected, that the contentious Spirit between Parishes will in a great Measure cease, since, in many Instances, the Charges of maintaining a poor Person in the Workhouse will be inconsiderable: For there is hardly any Person so impotent, but something may be produced from his Labour towards his Support. This will depend upon the good Government of the Work-houses. Besides, as the poor Person (by an express Provision in the following Bill) is to be removed to the Parish where he was last resident for the
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Space of two Years, except in the particular Cases mentioned, few Difficulties can arise about the proper Place of his Settlement. And further, it is imagined, that the natural Result of this Law will be, that few Parishes will think any Case momentous enough to carry it to the superior Courts for their Opinion.

Whatever may be the Fate of this Performance in the Judgment of Mankind, yet the Author must be of Opinion, that no Grievance so much deserves the Attention of the Legislature, nor so much wants to be redressed, as the present ill State and Condition of the Poor of this Kingdom, and the Methods now in use of providing for them.



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A NEW
S C H E M E

FOR REDUCING the
Laws relating to the POOR
INTO ONE
ACT of PARLIAMENT, &c.



WHEREAS the Acts of Parliament now in force relating to the Provision of the impotent Poor, Employment of industrious but unfortunate Poor, and Punishment of idle Persons and Vagrants, within the Kingdom of *England*, and Town of *Berwick upon Tweed*, have hitherto proved ineffectual for the Purposes for which they were intended; and, by their great Length and Number, are become difficult to be understood, and more difficult to be put in Execution: **And whereas** nothing can be more beneficial to the Kingdom, and all His Majesty's Subjects, than to have the same reduced, as far as may be, into Certainty by one Law, setting forth at one View the several Remedies and Provisions necessary upon this Occasion.

The 7 first Sections are intended to take in all the material Part of the 43d of Eliz Chap. 2, and the 3d of K. Cha.

May it therefore please your most Excellent Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of

Overseers of the
Poor how to be
appointed.

the same, That the Church-Wardens of every Parish, and two, three, or more substantial Householders of every Parish, Town, or Place (to be nominated yearly in *Easter*-Week, or within one Month after *Easter*, by two or more Justices of the Peace in each County, under their Hands and Seals) shall be called Overseers of the Poor of the same Parish, Town, or Place; and they, or the greater Number of them, shall take order, from time to time, by and with the Consent of two or more such Justices of the Peace, as aforesaid, to set to work all such poor Persons, married or unmarried, who have no Means to maintain themselves; and also to raise, weekly or otherwise (by Taxation of every Inhabitant, Parson, Vicar, and other Person, of such Parish, Town, or Place, and every Occupier of Land, Houses, Tythes, Mines, or saleable Underwoods in such Parish, Town, or Place, or Owner of personal Estate there, or any where else, in due proportion) a competent Sum of Money, as they shall think fit, wherewith to purchase a convenient Stock of Flax, Hemp, Wool, or any other Materials or Tools, to set the Poor to work with, (for the better doing of which they are hereby impow'ed to set up and exercise any Trade, notwithstanding any Statute or Law to the contrary) and also for and towards the necessary Relief of the impotent Poor, either by reason of too tender Years, advanced Years, Sicknes, or otherwise, being poor, and not able to work; and for employing those who are able to work; and also for putting out of poor Children of such Parish or Place Apprentices, as to them shall seem convenient; and to do all other Things necessary for the better relieving the Poor within their respective Parishes and Places, and to dispose of the Produce of their Labour: Which said Church-Wardens,

Wardens, or Overseers, so to be nominated, or such of them as shall not be prevented by Sickness, or other just Excuse shall meet together at least once in every Month in the Church or Vestry-room of such Parish, or at any convenient House within such Town or Place, not being a Parish, there to consider of some good Courses to be taken concerning the Premises ; and shall, within four Days after the End of the Year, and after other Overseers nominated, as aforesaid, or sooner, if required by any two Justices of the Peace of such County under their Hands and Seals, make and yield up to such two Justices, as is aforesaid, or in their Absence to two other Justices of the Peace for the same County, a true and perfect Account of all Sums of Money by them the said Parish or Town-Officers received, or rated and assessed, and not received ; and also of all such Stock as shall be in their Hands, or in the Hands of any of the Poor, to be worked, and of all other Things concerning their said Office ; and such Sum or Sums of Money and Stock as shall be in their Hands shall pay and deliver over to the said Church-Wardens and Overseers so newly nominated and appointed, or **in Case** such Church-Wardens and Overseers shall be called to account sooner, as aforesaid, then they shall pay and deliver over the Money and Stock appearing to be in their Hands upon such Account, as aforesaid, to two such Persons as such two Justices so calling them to account shall appoint, upon pain that every one of them absenting themselves without lawful Cause, as aforesaid, from such Monthly Meeting for the Purposes aforesaid, or being negligent in their Office, or in the Execution of the Orders aforesaid, being made by and with the Assent of the said Justices of Peace, or any two of them be-

When and how to provide for the Poor.

When and how to account.

And how to be
furnished.

fore mentioned, or who shall refuse to give or furnish immediate Provision or Relief to the impotent Poor, or Work to such Poor who are able and willing to work, shall forfeit for every such Default or Absence, Negligence, or Refusal, Twenty Shillings, to be levied by Distress and Sale of his or their Goods (returning the Overplus) by Warrant under the Hand and Seal of any one Justice of the Peace of the County, residing in or near the said Parish or Place.

2. **Provided** always, that before any such Justice grants such Warrant with Regard to the Neglect of furnishing Work, he shall, on the Application of any such poor Person for Relief, first summon and hear what such Officer has to say in his Defence; and if such Officer, on his attending such Summons, shew good Cause against any such Complaint, or if he shall offer to work *even at an Under-rate*, by letting out such Person able to work to any Farmer of such Parish by the Day, Month, or Year, or by furnishing of Flax, Hemp, or other Materials to such poor Person, and paying him or her for his or her Work at the Week's End according to the usual Price of the Country, that then such Officer shall be excused at the Discretion of the said Justice so applied to, otherwise such Officer shall be obliged to supply the Occasions of the Poor according to the Nature of his, her, or their Case, in such Manner as the said Justice of the Peace shall think fit, under the Penalty aforesaid: And also, that any two such Justices of the Peace shall commit to the common Goal of the County every one of the Church-Wardens and Overseers who shall refuse to account, or who, after such accounting, shall refuse or neglect to pay or deliver over such Money or Stock as shall appear, upon such Account, to be in his Hands, in the Manner herein

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herein before directed; or who, in his Account, shall offer any Item of Expence or Disbursement that appears extravagant or unreasonable, there to remain without Bail or Mainprize, until he have made a true Account, and satisfied and paid what, upon the said Account, shall be remaining in his Hands, in Manner aforesaid, or until he shall set such extravagant Item right, according to the Opinion of the said two Justices, as the Case shall happen to be.

3. **And whereas** by an Act made in the 13th and 14th Years of the Reign of his late Majesty King *Charles* the Second, Constables are to raise Money within every Parish, in such Manner as by an Act made in the 43^d Year of the Reign of Her Majesty Queen *Elizabeth*: And herein is before provided in relation to Church-Wardens and Overseers of the Poor, but no Provision is therein made for such Constables passing his or their Accounts at the Year's End, or paying the Balance to the new Constable or Constables.

Constables how to account, and to be punished.

Be it Enacted by the Authority aforesaid, That in case any Constable or Constables shall refuse either to account before two Justices, or to pay the Balance to the succeeding Constable or Constables, that in such case it shall and may be lawful for two such Justices, by Warrant under their Hands and Seals, to commit such Constable or Constables to the common Goal of the County, there to remain without Bail or Mainprize until he shall have passed his Accounts, and paid the Balance, as aforesaid.

4. **And be it further Enacted** by the Authority aforesaid, That it shall and may be lawful as well for the present as all future Church-Wardens and Overseers of the Poor of every Parish, Town, or Place for the Time being, or any of them, by Warrant from any two such Justices of the Peace,

How to levy a Rate against such who refuse to pay.

as

as is aforesaid, to levy as well the said Sums of Money, and Arrearages thereof, of every one that shall refuse to pay what he, she, or they shall be assessed, by Distress and Sale of the Offender's Goods, all such Sums of Money which shall be behind and unpaid of such Assessments in that or the immediate preceding Year, rendring to the Parties the Overplus; and if no such Distress can be found, it shall be lawful for any such Justices of the Peace, or one of them, to commit him, her, or them, who shall refuse to make such Payment, as aforesaid, to the Common Goal of the County, there to remain without Bail or Main-prize, until Payment of the said Sum or Sums so assessed upon him, her, or them, and the Arrearages thereof.

5. **And be it further Enacted** by the Authority aforesaid, That it shall and may be lawful for the said Church-Wardens and Overseers, or the greater Part of them, by the Assent of any two Justices of the Peace aforesaid, by Indenture under their Hands and Seals, to bind any such Children, as aforesaid, to be Apprentices with such Person or Persons, and in such Place as they shall see convenient, for seven Years at least, or till such Man-child shall come to the Age of One and twenty Years, and such Woman-child to the Age of One and twenty Years, or the Time of her Marriage, which shall first happen; which Indenture shall be as effectual to all Purposes as if such Children were of full Age, and by Indenture of Covenant bound him or herself.

Provided always, that such Indenture of Apprenticeship be executed by the Church-Wardens and Overseers of such Parish or Place, or any two or more of them, and attested by two credible Witnesses, and Oath thereof made by such Witnesses before two such Justices, before the said

said Justices shall allow or approve the same by under-writing their Hands; and that then the Proof of the said Justices Hands to such Indenture shall be sufficient to prove such Binding without any other Evidence; and that to all Indentures of Apprenticeship executed before this Act the Proof of the two Justices Hands thereto shall be sufficient Evidence thereof.

6. **And be it further Enacted** by the Authority *How far and in what manner rich Relations are to help poor.* afore said, That the Father and Grandfather, Mother and Grandmother, Children and Grandchildren, Brothers and Sisters, Uncles and Aunts, Nephews and Nieces, of every poor impotent Person, or other poor Person not able to work, being of a sufficient Ability, shall, at their own Charges, relieve and maintain every such poor Person in such Manner, and according to such Rate as by two Justices of the Peace of the County where such sufficient Persons dwell shall be assessed, upon pain that every one of them shall forfeit twenty Shillings for every Month which they shall fail therein, to be levied by Warrant from two Justices of the Peace, on Complaint of the Officers of the Parish, in manner as afore said.

7. **And** in case any Number of Parishes in one County, not less than three, nor more than ten, shall think fit to join and contribute in erecting or hiring an Alms-house or Infirmary with a Quantity of Land not exceeding ten Acres (in the Name of Trustees to be chosen for that Purpose) *In what manner Parishes may contribute to erect a common Alms-house or Infirmary for impotent Poor.* at their joint Expence, by a Rate or Rates to be raised equally among them, that in such case it shall and may be in the power of the Court of Quarter-Sessions, on such their joint Application, to erect an Alms-house or Infirmary, and appoint Trustees in whose Names *to hire, purchase, or rent* Land, and also to appoint Officers for the Care and Government thereof in manner hereafter

hereafter mentioned, in relation to County Work-houses and Alms-houses; and that the said Court of Quarter-Sessions may also appoint two Justices of the Peace to visit and inspect the Management of the Poor of every Parish within their County, to be attended by the Church-Wardens and Overseers of the Poor of such Parish, to be informed of their Method of proceeding or dealing with the Poor of such Parish, and, if the said two Justices see Occasion, to reform or amend the same by any new Regulation or Scheme, that the said two Justices make a Representation thereof to the next Quarter-Sessions for their Approbation, who may, by an Order, direct such Scheme to be put in Execution, so far as it shall be consistent with the Laws of this Realm; and in case any Church-Warden or Overseer of the Poor of any Parish shall refuse or neglect to obey any such Order, that he shall incur and be subject to the same Penalty, to be levied in the same Manner as before provided in case of his Neglect to provide for the Poor.

The 5 following Sections are intended to take in all that is material in the 13th and 14th Car. II. Cap. 12.

And whereas great Difficulties and Doubts have arose upon the Construction of the several Statutes now in being, in relation to the Settlement and Removal of poor Persons, to the great Discouragement and Hardship both of Parishes and the Poor, **We it therefore further Enacted** by the Authority aforesaid, that no poor Person be deprived of getting an honest Livelihood any where, or removed from any Parish till he, she, or they, actually become chargeable to such Parish, either by asking Relief of the Parish-Officers, or begging Alms of the Parishioners, or others; and that then, upon Complaint made by the Church-Wardens, or Overseers of the Poor, or one of them, of such Parish or Place where such poor Person then resides, to two Justices of the

the Peace of such County, residing near the said Parish, it shall and may be lawful to and for two such Justices, by Warrant under their Hands, to remove and convey such poor Person and Persons to such Parish, Town, or Place, having Officers where he, she, or they, were last legally settled as a native Housekeeper or Sojourner for the Space of two Years, without Interruption or Absence for more than a Week at any one Time, or a Month in the whole (except in the Case of Persons being Owners of any Real Estate for Life at least of the yearly Value of Five Pounds, or Farmers or Tenants of some one Tenement or Farm, for a Year at least, of the yearly Value of Ten Pounds) in which Case forty Days Continuance in a Parish shall be deemed sufficient to gain a Settlement; and also except in the Case of an Apprentice bound by Indenture, or a single Person being an hired Servant, and continuing in such Service for a whole Year, or of a Person being legally chose into and duely executing an annual Office, or being rated and paying to the Parish Rates, in which said four several last mentioned Cases one Years Continuance in a Parish shall be deemed sufficient to gain a Settlement.

Provided always, that nothing herein contained shall extend, or be construed to extend, to prevent or hinder any derivative Settlement that a Wife may claim in right of her Husband, or a Child from its Parent; any Thing herein before contained to the contrary thereof in any wise notwithstanding.

9. **Provided** further, that in Case such Place of the last legal Settlement of such poor Person shall happen to be within forty statute Miles Distance from such Place of Complaint or Removal, then such poor Person shall be removed by Warrant or Order, as aforesaid, but if at a greater Distance,

'Tis hoped this will tend to lower the Price of Work all over England because the Poor will have an Opportunity of seeking Work without Disturbance, and Parishes may employ them without the Apprehension of any Burthen, and may in time promote Trade.

This differs but very little from the Law as it now stands (for notwithstanding so many Acts about Notice, I believe no Notice was ever actually given from the Time of making the first of them, and most Settlements will depend on cases falling within some one of the Exceptions. And the Clause before is chiefly designed to make Parishes and Poor easy with one another.

Distance, then by Pass under the Hand and Seal of one Justice, to be directed to, and executed according to, and in such Manner, as is provided by the Act of Parliament made in the Twelfth Year of the Reign of her late Majesty Queen Anne, concerning Vagrants, saving what is contained in the said Act relating to the poor Persons Punishment.

This is intended to enforce Truth from the poor Person on Examination, and partly, to clear the Law in this Head, which was doubtful before.

10. **And be it further Enacted** by the Authority aforesaid, That upon any poor Persons being ~~fore~~ so carried before such Justice or Justices, as aforesaid, if he or she shall refuse to be examined upon his or her Oath before such Justice or Justices of the Peace, touching the Place of his or her legal Settlement, or, being so examined, shall knowingly give any false Account, such Person or Persons being detected of such Falstity before any Justice of the Peace, in a summary Way, by the Oath of Witnesses, or the Confession of the Party, shall be sent to the House of Correction of such County where detected, and there punished, and set to hard Labour for the Space of one whole Year at least.

Provided always, That if any Constable shall be guilty of any Neglect in the Execution of this Act, that he shall forfeit the Sum of Forty Shillings for every such Offence, to be levied by Warrant from one Justice of the Peace, by Distress and Sale of his Goods, in manner as aforesaid.

11. **Provided** further, that in case of any Question arising and depending between any Parishes or Places, in relation to the Place of any poor Persons last legal Settlement, it shall and may be lawful to and for the Inhabitants of either of the contending Parishes or Places to be examined and give Evidence, notwithstanding his paying Scot or Lot, and being rated to, or paying to the Rates of any such Parish or Place.

12. **And**

12. **And be it further Enacted** by the Authority aforesaid, That in case the Officers of such Parish or Place, to whom such poor Person or Persons shall be so removed and sent, refuse to receive and provide for them, that any such Justice of Peace of that Division or County shall, on Complaint thereof made, levy the Sum of Five Pounds, by Distress and Sale of the Goods of the Officer or Officers so refusing, by Warrant under the Hand and Seal of one Justice of the said County, returning the Overplus (if any) to such Officer or Officers.

13. **And whereas** some Persons remove from one Parish and County to others, with an honest View and Design of assisting the Parishes and Counties where they go in making and inning their Hay or Corn Harvest, who, for that Reason, are rather Objects of Pity than Punishment if they fall under any Misfortune, and, as such, ought to be distinguished from lazy idle Poor, who are only burthensome and chargeable.

*This is intended
to encourage In-
dustry in poor
Persons.*

Be it therefore Enacted by the Authority aforesaid, That the Church-Wardens and Overseers of the Poor of every Parish within the Kingdom of *England*, and Town of *Berwick upon Tweed*, shall be provided and furnished with a sufficient Number of Permits or Certificates to be signed by the Church-Wardens and Overseers of the Poor of every Parish respectively to which such poor Person or Persons belong, or any two of them, to be attested by two Witnesses, one of which shall make Oath of such their Attestation before a Justice of Peace of the County, who is thereupon to allow and approve such Permit or Certificate by undersigning the same; which Certificate or Permit shall be delivered to such poor Person or Persons, and when produced by such poor Person or Persons to the Officers of

any Parish or Place where they shall pass, shall be, of itself, sufficient Evidence in Law to prove their Settlement, and shall be binding and conclusive against such Parish or Place so giving the same (with respect to such poor Persons Settlement) to all other Parishes and Places where such poor Person or Persons shall travel or go; and that when such Person is prepared and furnished with such Permit or Certificate, it shall and may be lawful for him to go and work where he pleases, and that no other Parish, or the Church-Wardens or Overseers thereof, presume to remove any such poor Person or Persons till he, she, or they actually become chargeable to such Parish in manner aforesaid.

14. **And** that then such poor Persons, if they happen to become chargeable by Sickness, or other inevitable Accident, be (at the Election of the Parish where such Accident happens) either provided for by them, or sent to the Alms-house or Infirmary of such County or Division, there to be provided with all Things necessary for their Recovery and Relief, and without Correction, till he, she, or they are restored to Health; and that when he, she, or they are restored, they be either immediately set at Liberty with their Permit or Certificate to pass as before, or sent Home by a Pass, or an Order, according to the Nature of the Case, by two or one Justice of the Peace of such County, in the manner herein before mentioned.

And be it further Enacted by the Authority aforesaid, That in case the Church-Wardens or Overseers of the Poor of any Parish or Place, or any of them, shall, without sufficient Cause to be allowed by one Justice of the Peace of such County, refuse to sign or give to any such poor Person or Persons, so intending to remove for
Work,

Work, any such Permit or Certificate, as aforesaid; or in case the Officers of any other Parish where they shall pass shall disturb, or offer to remove any such poor Person or Persons (having such Permit or Certificate, and producing the same) before he, she, or they become actually chargeable, as aforesaid, that then, and in every such Case, such Officer so offending, as aforesaid, shall forfeit the Sum of Twenty Shillings, to be levied by Distress and Sale of his Goods, by Warrant under the Hand and Seal of one Justice of the said County, as aforesaid.

Provided nevertheless, that such Person or Persons (if required by the Church-Wardens or Overseers of the Poor of any Parish, Town, or Place where he goes) shall make Oath of such Certificate or Permit being signed by such Officers, Witnesses, and Justices, whose Hands are respectively thereto set, and where such Officers, Witnesses, and Justices respectively dwell: And if he, she, or they shall refuse to be examined, or, upon such their Examination, shall knowingly give a false Account in relation to the said Officers, Witnesses, or Justices signing the said Certificate or Permit, or their respective Place or Places of Habitation, such Person or Persons being detected of such Refusal or Falsity before any Justice of the Peace in a summary Way, shall be sent to the House of Correction of such County where detected, and there punished and set to hard Labour for the space of one Year at least.

Provided further, that no such Certificate or Permit shall be offered in Evidence upon any Appeal, or in any Court, without Proof of the said Justice of Peace, his Hand being set thereto; but that the Proof of the said Justice's Hand so set thereto shall make it sufficient Evidence.

*This is intended
to cure Laziness
in all poor Per-
sons, whether
native or va-
grant.*

*All other Va-
grants are left to
the 12th of
Queen Anne.*

15. **And** for the better and more effectual providing for the Punishment of the idle and lazy Poor, whether Natives or Vagabonds, and obliging them to labour,

Be it further Enacted by the Authority aforesaid, That all Persons returning to a Parish after Removal by Order or Pass of two or one Justice as aforesaid, shall be deemed Vagabonds; and that they, and all other Vagrants, and all idle, disorderly Persons in any Parish, whether Natives or Vagrants, who refuse to work, having no other Substance or Estate besides their Labour, shall, at the Direction of two Justices of the Peace of the said County, be sent to the House of Correction of such County, Liberty, or Hundred, for a Space of Time not less than three Months, nor more than twelve, there to be punished and set to work by the Master of the said House at his Discretion, subject nevertheless to the Inspection, Visitation, and Controul of three Justices, or any two of them, so to be appointed by the Court of Quarter-Sessions, as hereafter mentioned; and that after having undergone such Correction as is hereby provided, they be removed and sent by two or one Justices or Justice of the Peace of such County to the Place of their last legal Settlement, in such manner as is herein before directed in relation to the Removal of poor Persons in general: And in case the Place of their last legal Settlement cannot be discovered, then to the Place of their Birth, if within the Kingdom of *England* or Town of *Berwick upon Tweed*, and if Natives of *Ireland*, in such manner as is provided by the said Act made in the twelfth Year of the Reign of Her late Majesty *Queen Anne*, in relation to their Removal: And if such Person or Persons have or hath not gained any Settlement either in the Kingdom of *England*,
Town

Town of *Berwick upon Tweed*, or *Ireland*, then he, she, or they shall be removed to some of his Majesty's Plantations for the Space of seven Years or less, by Order of the said Court of Quarter-Sessions: And if any Person shall be convicted of Petit-Larceny, and committed to such House of Correction, that he be kept there for the Space of one Year at least, under the Discipline and Provision of the said House, or be transported by like Order of the said Court of Quarter-Sessions to some of His Majesty's Plantations for seven Years, or any less Number of Years, at the Discretion of the said Court of Quarter-Sessions.

16. **Provided** that no such Person shall be actually transported, until such Order of Quarter-Sessions be first approved of and allowed by the Judges of Assize for such County, or one of them, or by some one or more Judges of His Majesty's Courts of Law at *Westminster*, whose Approbation is to be signified by their under-writing the said Order.

17. **Provided** further, that nothing herein contained shall extend. or be construed to extend, to Soldiers, Mariners, or Sea-faring Men, licensed by some Testimonial or Writing under the Hand and Seal of some one Justice of the Peace in the County where they are discharged, setting down the Place to which they are to pass, and limiting the Time for such Passage, and while they continue in their direct Way thither; and such Justice, before he grants such Licence, shall be satisfied that the said Soldier, Mariner, or Sea-faring Man is furnished with sufficient Money to pay his Charges of his Journey, either of his own, or the Persons discharging him, before he shall grant such Licence: And in case the Person discharged has no Money of his own, then the

The Intent of this is to prevent such Persons begging as they travel.

said

said Justice, or any other Justice of the Peace of any other County, is hereby enabled to levy so much of the Person discharging him, by Distress and Sale of his Goods, by Warrant under his Hand and Seal, as aforesaid, as the said Justice shall think reasonable, for the Charges of his Journey, otherwise such Justice shall not grant such Licence.

And for the better discovering and apprehending any such idle Person, **Be it also Enacted** by the Authority aforesaid, That in case any Constable, Church-Warden, or Overseer of the Poor of any Parish, Town, or Place, as aforesaid, shall neglect or refuse to apprehend any such idle Person, as aforesaid, within their respective Parishes and Limits, that then every such Officer shall forfeit the Sum of Twenty Shillings, to be levied by Warrant from such Justice, by Distress and Sale of the Goods of such Officer, returning to him the Overplus in manner as aforesaid.

*This is to guard
against Persons
running away
from their Families.*

18. **And whereas** many idle Persons go away and absent themselves from their Families, and leave them to some Parish, Place, or Town, to be maintained and provided for,

Be it Enacted by the Authority aforesaid, That the Church-Wardens and Overseers of the Poor of every such Parish, Place, or Town, or any of them, may in such Case, on Complaint made thereof to a Justice of Peace of such County, by a Warrant under his Hand and Seal, first seise the Goods, and personal Estate, and also the real Estate of such Person so absenting himself, as aforesaid, and after so doing, apply to the next Court of General Quarter-Sessions for the said County, for their Directions therein; which said Court may direct all or any Part of the said Delinquents real and personal Estate to be sold and disposed of for the Benefit of his Family,

mily, as they shall think fit; a Copy of which Order signed by the Chairman of such Sessions, and Clerk of the Peace of such County, shall be a good Title to the Purchaser of any such real or personal Estate.

19. **And** in case any such idle Person be a Seaman, or a Pensioner to the Chest of *Chatham*, or to *Greenwich*, *Chelsea*, or any other Hospital, or entitled to any Pay or Pension, that the said Court of Quarter-Sessions may also, on such Application, direct the whole, or such Part of any such Pension or Pay to be sequestred from the said Delinquent, and paid to the said Parish-Officers for such Time as the said Quarter-Sessions shall think fit, for the Use of the Family of such Delinquent.

And also, in case of any reputative Father or lewd Mother's absenting from and leaving their Bastard-Child or Children a Charge to the Parish where they were born, that the Officers of such Parish may, on like Complaint to a Justice of Peace of the said County, and Application to the next Court of Quarter-Sessions for the said County, in like Manner seise and dispose of the real and personal Estate, Pay, or Pension of such reputative Father and lewd Mother, as they in their Discretion shall think fit.

20. **Provided** always, that if any Parish or Place, Person or Persons, shall find or think him, her, or themselves aggrieved by any Tax, Removal, or other Thing done by virtue of this Act, that then it shall and may be lawful to and for such Parish, Place, Person or Persons, to appeal at the next General or Quarter-Sessions to be held for such County, where it shall and may be lawful to and for the Justices of such Sessions, or the greater Part of them, to make such Order therein as to them shall be thought conveni-

ent, and the same to be final, and conclude and bind all Parties.

And that every Parish or Party appealing shall give at least a Week's Notice of such Appeal to the Party or Parish against whom such Appeal is presented; and in default of such Notice, the Court of Quarter-Sessions shall adjourn the Appeal to the next Quarter-Sessions, whose Determination shall in all such Cases be final.

As the Law stands at present, B. R. can only judge on form, and when they have quash'd an Order it amounts only to set the Parishes at Liberty to begin again, and so on, which costs more than keeping the poor would come to, and is no ways useful.

21. **And** in case of Removal of any poor Person by any Order or Orders under the Authority of this Act, if any Appeal be made to the Court of Quarter-Sessions of any County, or any *Certiorari* issue from the Court of *King's Bench* to remove any such Order or Orders, either from the Court of Quarter-Sessions, or the two Justices who made the first Order, that in such Case the Court of Quarter-Sessions and the Court of *King's Bench* shall judge on the Merits only of such Order or Orders; and the Case shall be always specially stated, if required by either Party or Parish, in case of a *Certiorari*, on the Return to the said *Certiorari*; and that in all Cases, both the Court of Quarter-Sessions, and of *King's Bench*, shall be obliged to amend Matters of Form, and give or not give Costs to either Parish contending, or Charges of Maintenance of the poor Person or Persons to the Parties or Parish appealing, as they in their Discretion shall think fit.

This seems the most natural Way of disposing of Forfeitures.

22. **And be it further Enacted** by the Authority aforesaid, That all Penalties and Forfeitures before mentioned in this Act to be forfeited by any Person or Persons, shall go and be employed to the Use of the Poor of the same Parish, Town, or Place, to which they properly belong, and towards a Stock and Habitation for them, and other necessary Uses, and Relief, as before in this Act are mentioned and expressed, and shall be levied

levied by the said Church-Wardens and Overseers, or one of them, by Warrant from any two or one of such Justices of the Peace, by Distress and Sale thereof, as aforesaid; or if no Distress can be found, it shall be lawful for any such Justices or Justice of the Peace to commit the Offender to the County Goal, there to remain without Bail or Mainprize till the said Forfeitures shall be satisfied and paid: And all Costs in Law in case of Appeal, and Charges of Maintenance, shall go and be disposed of as is herein before provided in relation thereto.

23. **And** for the more easy and convenient putting this Law in Execution, **Be it Enacted** by the Authority aforesaid, That the Court of Quarter-Sessions shall, at every Quarter-Sessions from Time to Time, in every County appoint three Justices of the Peace of the said County, who, or any two of them, shall contrive and take Order to provide all sick casual Poor with all Things necessary for their Maintenance, and Cure, and all idle lazy Poor with all Things necessary for their Correction, Work, and Maintenance, by hiring, erecting, or building one or more House or Houses of Correction, Workhouses, Alms-houses, or Infirmaryes, in fit and proper Places in such County, with a convenient Quantity of Land thereto, not exceeding twenty Acres, to be purchased in the Name or Names of any Trustees, as the said Court of Quarter-Sessions shall direct; and such Justices so appointed, as aforesaid, are hereby impowered and required to receive Proposals, and treat with Workmen, and to make a Report of their Proceedings to the next Quarter-Sessions to be held for the said County; where the Justices of Peace assembled, or the Majority of them, are first to consider the said Report and Proposals,

This is intended to facilitate the Execution of this Law with Regard to Vagrants or idle Poor, by contriving an easy Method to build and provide Workhouses, &c.

and if they approve them, or any of them, they shall order and direct such as shall be so approved to be carried into Execution and performed: And for the raising Money for that Purpose, the said Court of Quarter-Sessions are hereby enabled to make an Order for raising any Sum they shall think proper for that Purpose, in such Manner, or as near as may be, as the County Money, or the Money for the Repair of Bridges in such County is raised, by a Rate of One Shilling in the Pound, and no more in any one Year, on the Owner of any real Estate consisting of Lands, Tenements, Hereditaments, Tythes, Mines, or saleable Underwood, and by a proportionable Tax of personal Estate on the Inhabitants of such County, Hundred, or Division, who are to have the Benefit thereof: And in Case any such Inhabitant shall refuse to pay such Sum, or their Proportion thereof, the same shall be levied by Distress and Sale of his or her Goods, by a Warrant under the Hand and Seal of one Justice, in manner as aforesaid, returning to him or her the Overplus.

Provided always, that in case such Rate or Taxation so to be laid on the real Estate or Person of the Inhabitants of such County, Hundred, or Division, be not sufficient to answer the Purposes of building or purchasing an House and Land with proper Conveniencies for the Use of the said Poor, as aforesaid, that then the said Court of Quarter-Sessions where such Insufficiency shall happen, shall, at their Election, continue the said Duties for so many Years following as shall be needful from Year to Year, till such House, with proper Conveniences be compleated and perfected; or borrow a Sum not exceeding at Interest for that Purpose: And for the Security of the Person lending, shall direct

**Tis to be hoped
some Gentlemen of
Fortune will, in
some measure, ease
this Duty by a
generous Contri-
bution or Sub-
scription.*

direct an Order of the said Court to be made in the Words following (that is to say)

The Court of Quarter-Sessions this Day held for
the County of _____ at _____
within the said County, doth hereby order the Sum of _____
to be borrowed of _____

at per Cent. per
Annum Interest, for the Purpose of building such
House within the said County; and that

advancing and lending the said
Money, do pay the same into the Hands of

a Trustee or Treasurer nominated by the said Court for that Purpose, subject to the further Directions of the said Court.

And that thereupon a Copy of the said Order signed by the Chairman of Sessions, and the Clerk of the Peace of such County, in open Court of Quarter-Sessions (sitting the said Court) shall be a good and sufficient Security to the Party advancing and lending the said Money, till the Principal, together with the Interest agreed upon, be repaid by a Levy or Taxation, to be made as aforesaid.

25. And be it further Enacted by the Authority aforesaid, That when, and as soon as such House shall be finished, and with proper Conveniencies, and a sufficient Quantity of Land there-to annexed, compleated, and perfected, that the said three or two Justices shall model and methodize the same, by appointing a Master or Governor, with a sufficient Number of Officers, Nurfes, and Servants under him, with suitable Salaries and Wages, and by laying in a sufficient Stock of Provisions of Flax, Hemp, Wool, and other Things necessary for providing for the said Poor in manner aforesaid, to be under the Direction and Management of the said Master and

where, If not
so severe on Ma-
sters and Officers.

and Governor, subject to the Inspection and Con-
troul of such three or two Justices; which said
Master and Governor shall also quarterly account
before such three or two Justices: And in case
of Misbehaviour of any such Under-officers; Nur-
ses, or Servants, or any of them, that the said
three or two Justices, on Complaint thereof
made by the said Master or Governor, may ei-
ther displace or remove, or, at their Discretion,
commit to the said House of Correction any such
Offender for the Space of six Months, or under;
and in case of the Misbehaviour of any such Ma-
ster or Governor, or in case he refuses to ac-
count before such three or two Justices, or after
accounting to pay the Balance in his Hands, as
hereafter directed, that then it shall and may be
lawful to and for the Court of Quarter-Sessions,
on the Representation and Report of such three
or two Justices, in case of Misbehaviour to dis-
place or remove, and in case of refusing to ac-
count, or after having accounted to pay the Ba-
lance in his Hands to the succeeding Master or
Governor to be appointed by the said Court, to
commit the said offending Master or Governor to
the said House for Correction, there to be treat-
ed and used as an idle lazy Person, till he thinks
fit to comply and submit; which said Court of
Quarter-Sessions are hereby enabled either to con-
tinue or remove such Master or Governor from
Time to Time at their Discretion. And for the
raising Money for the providing for such House
of Correction, Workhouse, Alms-house, or In-
firmery, as aforesaid, **It is hereby further Enac-**
ted, That the said Court of Quarter-Sessions be
enabled, by a Rate on Estates within the said
County, Hundred, or Division, not exceeding
Sixpence in the Pound in any one Year, to raise
in the same Manner, or as near thereto as may
be,

be, as the County-money, or Money for the Repair of County Bridges is raised, any Sum they shall think necessary ; and in case any Person shall refuse to pay his Proportion to such Rate, it shall be ~~lawful~~, by Distress and Sale of his or her Goods, by a Warrant under the Hand and Seal of one Justice of the Peace of the said County, in manner aforesaid ; which (together with the Produce of the Labour and Work of the said House, to be disposed of by the said Governor, under the Direction of the said three or two Justices) shall be applied to answer the Charge of maintaining the said House.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall be sued by Action, Information, or Indictment, for any Matter or Thing which he shall do under the Authority of this Act, such Person or Persons may plead the General Issue, and give the special Matter in Evidence ; and if the Verdict shall pass for the Defendant, or the Plaintiff be nonsuited, or discontinue his Suit, on such Action the Defendant shall recover treble Damages : And that no Information shall be granted by His Majesty's Court of *King's Bench*, nor Bill of Indictment found for any such Matter against any Person, unless the Party prosecuting do first enter into a Recognizance in the Penalty of One hundred Pounds, with sufficient Sureties before one of the Judges of the said Court of *King's Bench*, or a Justice of the Peace of such County where such Matter arises, with Condition to pay such Treble Costs, as aforesaid, in case of quashing, or a Discontinuance, or Verdict for the Defendant.

This Clause is intended to supply the Defect of the 7th of James I. Chap. 5. which provides against Actions only.

And be it further Enacted by the Authority aforesaid, That an Act made in the forty third Year of the Reign of Queen *Elizabeth* (Intituled,

An

All or most of the following Acts are herein before particularly taken Notice of are but Explanations of the 13th and 14th of Charles the second, and don't seem to be of any great Consequence.

An Act for the Relief of the Poor;) a Clause in another Act made in the third Year of the Reign of King Charles the first, relating to the Church-Wardens and Overseers of the Poor of any Parish setting up and using any Trade (contained in the said Act of the said Year, Intituled, *An Act for Repeal and Continuance of divers Statutes;*) another Act made in the thirteenth and fourteenth Years of the Reign of King Charles the second (Intituled, *An Act for the better Relief of the Poor of this Kingdom;*) a Clause in another Act made in the first Year of King James the second, relating to the forty Days Continuance of a poor Person in a Parish after Notice (contained in an Act of the said Year, Intituled, *An Act for reviving and continuance of several Acts of Parliament therein mentioned;*) another Act made in the third and fourth Years of the Reign of King William and Queen Mary (Intituled, *An Act for the better Explanation and supplying the Defects of the former Laws for the Settlement of the Poor;*) another Act made in the eighth and ninth Years of the Reign of King William (Intituled, *An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom;*) another Act made in the ninth and tenth Years of the Reign of King William (Intituled, *An Act for explaining an Act made the last Sessions of Parliament, intituled, An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom;*) another Act made in the fifth Year of the Reign of King George the first (Intituled, *An Act for the more effectual Relief of such Wives and Children as are left by their Husbands and Parents upon the Charge of the Parish;*) another Act made in the ninth Year of the Reign of King George the first (Intituled, *An Act for amending the Laws relating to the Settlement, Employment,*
and

and Relief of the Poor;) a Clause in another Act made in the third Year of the Reign of His present Majesty, relating to the Attestation of Certificates of Settlements (contained in the said Act of the said Year, Intituled, *An Act for continuing and amending an Act for regulating the Price and Assize of Bread, for Relief of Bankrupts whose Certificates were not allowed before the Expiration of a late Act, and for the preventing Frauds committed by Bankrupts, for allowing further Time for Inrolment of Deeds or Wills made by Papists, and for Relief of Protestant Purchasers and Lessees, and for making further Provision concerning Certificates relating to the Settlement of poor Persons, and the Charge of maintaining and removing Certificate Persons;*) another Act made in the fifth Year of the Reign of His present Majesty (Intituled, *An Act to oblige the Justices of the Peace at their General or Quarter-Sessions to determine Appeals made to them according to the Merits of the Case, notwithstanding Defect of Form in the original Proceedings, and to oblige Persons suing forth Writs of Certiorari to remove Orders made on such Appeals into His Majesty's Court of King's Bench, to give Security to prosecute the same with Effect;*) so far as the same, or any of them, relate to the Provision, Maintenance, Employment, Correction, Settlement, and Removal of the Poor of this Kingdom, and all Orders, and Appeals against Orders to be made there on *Certiorari's* to remove such Orders, whether of two Justices or Quarter-Sessions, into His Majesty's Court of *King's Bench*, and all Recognizances to be entred into thereon, or any Costs to be given thereon by the said Court of *King's Bench*, shall be and are hereby repealed.

Provided always, that this Act, or any Thing herein contained, shall not extend, or be con-

strued to extend in any wise, to affect any Hospital or Hospitals within this Kingdom, or the Governors or Members thereof, saving the sequestering so much of the Pension of any Person absenting from his Family to the Parish, in manner as aforesaid; or to affect or disturb any Corporation or Corporations, or the Jurisdiction thereof, or the Magistrates thereof, in any wise howsoever; or to hinder the Justices of the Peace within the Liberty of *St. Albans* in the County of *Hertford*, or of the Liberty in the Borough of *St. Peter*, and Hundred of *Nassabourough* in the County of *Northampton*, from hearing and determining any Appeals for the Settlement of the Poor in their Quarter-Sessions, as they might have done before the making of this Act; any Thing herein before contained to the contrary thereof in any wise notwithstanding.

F I N I S





REASONS

For making no other


ALTERATIONS

IN THE

POOR-LAW,

THAN

What appear absolutely necessary.

I.  BECAUSE human Knowledge is progressive, and 'tis more likely to come to Perfection by Degrees, than jump into it at once.

II. 'Tis but reasonable that Parishes, as well as private Men, should have the Power over their own Estates, and not have Lords and Masters set over them for no other Reason, than because they don't manage quite well. If that Doctrine were to hold in private Property, a great many Estates in *England* wou'd soon be under a Sequestration.

III. The Care of the Poor is admitted to be a Work of Difficulty, if so, whether 'twill not be more easily managed in small Bodies, than by great, especially when in one Case there will be but few Alterations of Things evidently necessary, in the other every Thing is to be turned into a new Channel, which no Man alive can see what Course 'twill take: And it may not be amiss to observe that the Land-

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Tax

Tax in the Year 1693, has been the Standard ever since, without Alteration even in *Middlesex*, where the Rents have been since doubled. Q. What is become of the Surplus? If it be urged that Corporations may do better: Q. What Benefit has the moneyed Interest received from the *South Sea Company*, or the Poor from the *Charitable Corporation*? 'Tis hoped these Instances may satisfy any reasonable Man, that any sudden turn of Thought is not a sufficient Foundation for a great Change in our Laws. *Nolumus Leges Angliæ Mutari.*

IV. The not removing the Poor till they are actually chargeable, the more easie removing and providing for them when they are; the determination of Questions on Removals upon the Merit only, the proper Distinction between unfortunate and criminal Poor, and providing for them, the new Method proposed of building and modelling Infirmaries and Houses of Correction, as near as may be conformable with the present Laws, and without Violation to Liberty or Property, are, or are intended to be the chief Points provided for in the before Scheme.

V. What the Author hopes for is, that this may make one Step further towards a compleat Law for this Purpose, and does not doubt but in a little Time in the course of Experience some Things further to be done may appear necessary, but is a little cautious of dealing out too much Anticipation, for fear too nice an Attempt to prevent imaginary Evils should introduce and be the Occasion of real Mischiefs, like a Surgeon, who beginning with a Wound or Sore before 'tis ripe, often makes it worse instead of better.

VI. Upon the whole, the Best of Laws will signify but little, without being put in Execution.

tion. The Provision for the Poor, as they now stand, is summary, concise and just. And the Power of executing them (tho' in some Degree arbitrary) yet no Ways oppressive. The Poor has his Cause instantly heard and determined, and the Officer is as readily excused or punished; Parishes save if they are frugal, and suffer if they are extravagant, without Mixture or Confusion. And Justices of Peace are sufficiently awed from great Misbehaviours by being subject to an Action or Information, which sometimes carries a Sting for what is past, and to be turn'd out of the Commission at will, to prevent the like for the Future. And where can be the Mischief of a Power so easily punished and disarmed. 'Twas on that Foot that Dictators in the *Roman* Empire and Lord high Stewards in this Kingdom have been occasionally appointed, whose Power has always ceased with the Occasion. But without an extraordinary or urgent Occasion to erect an unaccountable never dying Power in Persons, who never can be properly punished, is a thing so new that it can't be foreseen what will be the End thereof.



OBJECTIONS to the Vesting the Power over the Poor in Corporations.

I. **I**F Corporations misbehave, they are only punishable in their corporate Capacity, whereas Guilt is always personal and so ought to be punished, and the more summary the better. The Necessities of the Poor won't admit of long Arguments or tedious Enquiries.

II. As to Parishes at Present, those who behave well, save by it, those who behave ill, suffer by it; but 'tis in the Power of the ill Managers to mend their Conduct as much, as 'tis in a private Man's Power to retrench his Expences. But why are they immediately to be put under Guardians or Committees, like so many Ideots or Lunatics? An absolute Power to charge an Estate, is almost as bad as taking away an Estate: and what is still more extraordinary; why are the frugal industrious Parishes to be blended and joined along with them that are otherwise?

III. As to the Poor, why shou'd the Fruits of any poor Man's Labour who is not criminally so, be taken from him to supply the Occasions of others who are less diligent?

OBJEC-

*OBJECTIONS to poor Persons
wandring from Parish to Parish,
without Permit or Certificate, or
being subject to be removed when
chargeable.*

I. With Regard to the Poor themselves.

IT will occasion their being insolent and idle, instead of being industrious and humble, when Matter of Favour and Indulgence is turned into a Right.

*II. With Regard to the Parishes in and near
London.*

The present Poor of these Parishes are sufficient for the Work that is to be done in them (except in the hay and harvest time) who can but barely subsist on their present Wages all Things considered. If therefore more Poor have a Right to come, the Consequence will be, that the Wages must be lowered, which will make the present Poor chargeable, or more Work must be found, or the more honest will be unprovided for. The plausible Pretence of lowering Wages may be carried too far. Where is the Policy or Advantage of reducing the Poors Wages lower than they can live by, or the Prices of Provisions lower than the Tenants can afford to pay their Rents by?

III. With

III. *With Regard to the Parishes distant from London.*

The Day Labourers Wages at Present bear a nearer Proportion to the Wages of Labour in the linnen and woollen Manufacturies, and by changing Hands from one to another, both those Works are there carried on very well together; whereas, if all the Poor are tempted from those Places up to *London* in Prospect of larger Wages, it may so fall out that those distant Countries may happen to want Hands to carry on their necessary Business even in Husbandry.



